



## Ohio Administrative Code Rule 3701-60-01 Definitions.

Effective: January 27, 2023

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(A) "Applicant" means a person who is under final consideration for employment with a home health agency in a full-time, part-time, or temporary position that involves providing direct care to an individual or is referred to a home health agency by an employment service for such a position.

(B) "Applicant for licensure" means the individual or agency applying for a skilled home health services license or nonmedical home health services license.

(C) "Community-based long-term care provider" means a provider, as defined as in section 173.39 of the Revised Code.

(D) "Community-based long-term care subcontractor" means a subcontractor, as defined in section 173.38 of the Revised Code.

(E) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

(F) "Direct care" means any of the following:

(1) Any service identified in paragraphs (J)(1) to (J)(6) of this rule that is provided in a patient's place of residence used as the patient's home; or

(2) Any activity that requires the person performing the activity to be routinely alone with a patient or to routinely have access to a patient's personal property or financial documents regarding a patient; or

(3) For each home health agency individually, any other routine service or activity that the chief administrator of the home health agency designates as direct care.

(G) "Disqualifying information" means any information gathered from a database review that shows



a conviction for or a plea of guilt to:

(1) Abuse, neglect, or misappropriation; or

(2) A disqualifying offense.

(H) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (A)(3)(e) of section 109.572 of the Revised Code.

(I) "Employee" means a person employed by a home health agency in a full-time, part-time, or temporary position that involves providing direct care to an individual and a person who works in such a position due to being referred to a home health agency by an employment service.

(J) "Home health agency" means a person or government entity, other than a nursing home, residential care facility, or hospice care program, that has the primary function of providing any of the following services to a patient at a place of residence used as the patient's home:

(1) Skilled nursing care;

(2) Physical therapy;

(3) Speech-language pathology;

(4) Occupational therapy;

(5) Medical social services; or

(6) Home health aide services.

(K) "Home health aide services" means any of the following services provided by an employee of a home health agency:

(1) Hands-on bathing or assistance with a tub bath or shower;



(2) Assistance with dressing, ambulation, and toileting;

(3) Catheter care but not insertion; or

(4) Meal preparation and feeding.

(L) "Hospice care program" has the same meaning as in section 3712.01 of the Revised Code.

(M) "Immediate family member" means a parent, stepparent, grandparent, legal guardian, grandchild, brother, sister, step sibling, spouse, son, daughter, stepchild, aunt, uncle, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, and daughter-in-law.

(N) "Medical social services" means services provided by a social worker under the direction of a patient's attending physician.

(O) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.

(P) "Multiple disqualifying offenses" means two or more disqualifying offenses. Convictions or guilty pleas resulting from or connected with the same act, shall be counted as one conviction or guilty plea.

(Q) "Nonagency provider" means a person who provides direct care to an individual on a self-employed basis and does not employ, directly or through contract, another person to provide the services. "Nonagency provider" does not include any of the following:

(1) A caregiver who is an immediate family member of the individual receiving direct care;

(2) A person who provides direct care to not more than two individuals simultaneously who are not immediate family members of the care provider;

(3) A volunteer;



(4) A person who is certified under section 5104.12 of the Revised Code to provide publicly funded child care as an in-home aide;

(5) A person who provides privately funded child care;

(6) A caregiver who is certified by the department of developmental disabilities under Chapter 5123. of the Revised Code.

(R) "Nonmedical home health services" means any of the following:

(1) Home health aide services defined in paragraph (K) of this rule; and

(2) Personal care services as defined in paragraph (V) of this rule.

(S) "Nursing home," "residential care facility," and "skilled nursing care" have the same meanings as in section 3721.01 of the Revised Code.

(T) "Occupational therapy" has the same meaning as in section 4755.04 of the Revised Code.

(U) "Operating location" means the geographical location of the business and operations functions of a home health agency including, but not limited to, record keeping, central staffing, and general business operations. The term operating location may include branches of the home health agency that are under the direct supervision of the operating location.

(V) "Personal care services" means any of the following provided to an individual in the individual's home or community:

(1) Hands-on assistance with activities of daily living and instrumental activities of daily living, when incidental to assistance with activities of daily living;

(2) Assistance managing the individual's home and handling personal affairs;



(3) Assistance with self-administration of medications as defined in paragraph (Y) of this rule;

(4) Homemaker services when incidental to any of the services identified in subparagraphs (V)(1) to (V)(3) of this rule or when essential to the health and welfare of the individual specifically, not the individual's family;

(5) Respite services for the individual's caregiver;

(6) Errands completed outside of the presence of the individual if needed to maintain the individual's health and safety, including picking up prescriptions and groceries.

(W) "Physical therapy" has the same meaning as in section 4755.40 of the Revised Code.

(X) "Residential facility" has the same meaning as in section 5123.19 of the Revised Code.

(Y) "Self-administration of medication" means medication taken orally, by injection, nebulizer, insertion or is applied topically without the need for assistance. In assisting an individual with self-administration of medication, staff providing personal care services may do the following:

(1) Remind the individual when to take medication and watch to ensure that the individual follows the directions on the container;

(2) Assist the individual by taking the medication and handing it to the individual. If the individual is physically unable to open the container, a staff member may open the container for the individual; and

(3) Assist a physically impaired but mentally alert individual, in removing oral or topical medication from containers and in consuming or applying the medication, upon request by or with the consent of the individual or the individual's health care power of attorney (HCPOA) or legal guardian. If an individual is physically unable to place a dose of medicine to their mouth without spilling it, a staff member may place the dose in a container and place the container to the mouth of the individual.

(Z) "Skilled home health services" means any service identified in paragraphs (J)(1) to (J)(5) of this



rule.

(AA) "Social worker" means a person licensed under Chapter 4757. of the Revised Code to practice as a social worker or independent social worker.

(BB) "Speech-language pathology" has the same meaning as in section 4753.01 of the Revised Code.

(CC) "Waiver agency" has the same meaning as in section 5164.342 of the Revised Code.